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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ROBERT CARSON,

Plaintiff,

vs.

CITY OF FRESNO, JOHN OVERSTREET,
individually, DAVE UHRUH, individually,
and DOES 1-40

Defendants.

CASE NO. 1:08-CV-00468-OWW-DLB

**ORDER RE MOTIONS IN LIMINE OF
DEFENDANTS**

The motions in limine of defendants, CITY OF FRESNO, JOHN OVERSTREET, and DAVE UNRUH, came on for hearing on August 27, 2010, the Honorable Oliver W. Wanger, presiding. Thornton Davidson appeared on behalf of plaintiff. Rosemary T. McGuire appeared on behalf of defendants. The following rulings were made:

Motion in Limine No. 1, to bifurcate the *Monell* issue and punitive damages from the other issues in the case, is granted as to the amount if any of punitive damages. The ruling with regard to the *Monell* claim is moot as that claim has been dismissed.

Motion in Limine No. 2, to preclude improper comments regarding damages, is granted.

Motion in Limine No. 3, to preclude evidence of liability insurance, is granted.

Motion in Limine No. 4, to preclude evidence of indemnification of the defendant officers by their employer, the City of Fresno, is granted.

Motion in Limine No. 5, to exclude non-party witnesses from the courtroom, is granted.

1 Motion in Limine No. 6, to preclude plaintiff from rendering expert opinions regarding the
2 value of the alleged missing coins, is denied. However, defendants are permitted to depose Mr.
3 Carson on issues relating to the valuation of the coins and defendants may designate an expert to on
4 that issue. The defense expert will be made available for deposition.

5 Motion in Limine No. 7, to preclude evidence of other lawsuits against Officer Unruh, Officer
6 Overstreet, the City of Fresno, or any other testifying officer, is granted.

7 Motion in Limine No. 8, to preclude questions regarding personnel matters, prior complaints
8 concerning job performance or prior disciplinary issues as to the defendant or any other City of Fresno
9 police officer who testifies, is granted.

10 Motion in Limine No. 9, to preclude evidence not produced in discovery is reserved.

11 Motion in Limine No. 10, to preclude evidence and/or testimony regarding the outcome of the
12 administrative review, and/or the fact no Internal Affairs investigation is reserved.

13 Motion in Limine No. 11, to preclude the testimony of Terrence O'Neil, is denied. Plaintiff
14 will be permitted to call him as a fact witness, contingent upon him being produced for a deposition
15 in to those areas in which he is expected to testify.

16 Motion in Limine No. 12, to preclude use of or reference to the Fresno Police Department's
17 Internal Affairs Manual, is reserved.

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22 IT IS SO ORDERED.

23 **Dated: September 22, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE